

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 22, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VAR-32531 - VARIANCE - PUBLIC HEARING - APPLICANT: CLEARWIRE US, LLC - OWNER: YS & AJ ASSOCIATES - Request for a Variance TO ALLOW A 70-FOOT WIRELESS COMMUNICATIONS FACILITY, STEALTH DESIGN (FLAGPOLE) TO HAVE A 180-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 210 FEET on 1.71 acres at 450 South Buffalo Drive (APN 138-34-201-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

6

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda – Protest/Support Postcards
8. Submitted after Meeting –Recordation Notice of Planning Commission Action and Conditions of Approval for Items 50 and 51

Motion made by VICKI QUINN to Deny

Passed For: 4; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

VICKI QUINN, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES;
(Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STEVEN EVANS, KEEN ELLSWORTH)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 50 and 51.

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PETER LOWENSTEIN, Planning and Development, stated that the proposed height addition of the existing wireless communication facility will precipitate an increased visual intrusion upon the surrounding community. Additionally, the use cannot be conducted in a harmonious manner. Therefore, staff recommended denial of both applications.

ANTHONY PEREZ, 7030 Smoke Ranch Road, appeared on behalf of the applicant. He stated that Clearwire is building a wireless network throughout the Las Vegas Valley and it includes the subject site. Already existing is a 60-foot tall T-Mobile tower and they propose to increase the tower to 70 feet. As the Clearwire engineers have determined the height should be increased in order to blend in with the rest of the network.

He disagreed with staff's comments that this is a self-imposed hardship because the new network needs sites throughout the valley, and Clearwire does not penetrate frequency as efficient as other towers. The alternative would be to build a new tower, but no other property meets the Code, and, coverage is needed in the area to make the tower vital. It is the spirit of the wireless ordinance to have co-location. The tower is an existing stealth design which is favored by the Code. A new tower in the area would be a greater visual intrusion than extending the existing tower by 0 feet. There are some natural barriers in the area that serve to mitigate any visual intrusion. He showed a diagram of the area depicting three properties that are less than 210 feet away from the proposed extension, so the building itself provides a shield for those three properties. In addition, taller light poles and palm trees provide some natural mitigation for the increase in height.

COMMISSIONER GOYNES remarked that this request would set a dangerous precedent for towers that are 70 feet, so he could not support the requests. MR. PEREZ stated that the height restriction is 70 feet. If someone wanted to increase the height, they would need to submit an application.

CHAIR TROWBRIGE observed that the flag on the poles have to be taken up and down every day or properly lit. MR. PEREZ replied that the flagpole is owned and operated by T-Mobile and does not believe the flag is removed every evening. He will make sure that T-Mobile brings the flag into compliance.

COMMISSIONER TRUESDELL commented that homes are built at a certain height and the City has the ability to have these towers fit into the community.. Providers continue to come forward asking for additional ones on a regular basis, so the pressure will exist to place 70 and 80 foot towers. He cannot support both applications, as it might set a precedent.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 50 and 51.